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3 UNITED STATES DISTRICT COURT
4 DISTRICT OF NEVADA

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6 ELIAS G. MONTALVO,

Case No. 3:20-cv-00131-MMD-WGC

7 Petitioner,

ORDER

8 v.

9 WARDEN BACA, *et al.*,

10 Respondents.
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12 This action is a petition for a writ of habeas corpus, under 28 U.S.C. § 2254, by
13 Elias G. Montalvo, an individual incarcerated at the Northern Nevada Correctional Center.
14 On February 25, 2020, Montalvo filed an application to proceed *in forma pauperis* (ECF
15 No. 1), along with his habeas petition (ECF Nos. 1-1), exhibits (ECF No. 1-2), a motion
16 for appointment of counsel (ECF No. 1-3), a motion for an evidentiary hearing (ECF No.
17 1-4), a motion to file excess pages (ECF No. 1-5), and a civil cover sheet (ECF No. 1-6).

18 In light of the information provided in the application to proceed *in forma pauperis*,
19 the Court finds that Montalvo is able to pay the \$5 filing fee for this action.

20 It is therefore ordered that Petitioner's application to proceed *in forma pauperis*
21 (ECF No. 1) is denied. Petitioner will have 30 days from the date of this order to have
22 payment of the filing fee of five dollars (\$5) sent to the Clerk of Court. Failure to comply
23 with this order will result in dismissal of this action.

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1 It is further ordered that the Clerk of Court is directed to send Petitioner two copies
2 of this order. Petitioner is ordered to make the necessary arrangements to have one copy
3 of this order attached to the check sent to the Clerk of Court in payment of the filing fee.

4 DATED THIS 9th day of March 2020.

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7 MIRANDA M. DU,
8 CHIEF UNITED STATES DISTRICT JUDGE
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